

REMARKS

This Amendment is in response to the Final Office Action dated December 29, 2008.

Claims 1, 4-9, 11-12, 15, 18-23, 25-26, and 46-50 are pending in the present application. Claims 1, 4-9, 11-12, 15, 18-23, 25-26, and 46-50 have been rejected. The specification and claims 1, 15, and 46 have been amended to further define the scope and novelty of the present invention, to include the limitations of claims 4, 9, 18, 23, and 47, respectively, to address 35 U.S.C. §101 and §132 rejections, to correct grammatical errors, in view of the Examiner's comments, in order to place the claims in condition for allowance. Support for the amendments to the claims is found in cancelled claims 4, 9, 18, 23, and 47, and on page 7, lines 11-12. Applicants respectfully submit that no new matter has been presented. Claims 4, 9, 18, 23, and 47 have been canceled. Accordingly, claims 1, 5-8, 11-12, 15, 19-22, 25-26, 46, and 48-50 remain pending. For the reasons set forth more fully below, Applicants respectfully submit that the claims as presented are allowable. Consequently, reconsideration, allowance, and passage to issue are respectfully requested.

In the event, however, that the Examiner is not persuaded by Applicants' amendments and arguments, Applicants respectfully request that the Examiner enter the amendments and arguments to clarify issues upon appeal.

Applicants would like to thank the Examiner for the after-final phone interview of March 27, 2009. The 35 U.S.C. §101, §132, and §132 rejections and possible amendments for overcoming the rejections were discussed. We appreciate the courtesy and helpfulness of the Examiner in the interview. The claims have been amended in light of the points made by the Examiner in the interview.

Rejections Under 35 U.S.C. §132(a)

Examiner has rejected the previously amended specification, stating that the code being “executed in a decentralized manner” is new matter. In response, the portion of the specification that reads “and executed in a decentralized manner” has been deleted. Accordingly, Applicants believe that the specification as amended now complies with 35 U.S.C. 132(a).

Rejections Under 35 U.S.C. §101

Examiner has rejected claims 1, 4-9, 11-12, and 46-50, stating that these claims are directed to non-statutory subject matter. In response, independent claims 1 and 46 have been amended such that the phrase “computer readable medium” now reads “computer readable storage medium.” Accordingly, Applicants believe that amended claims 1 and 46, and their respective dependent claims now comply with 35 U.S.C. 132(a).

Rejections Under 35 U.S.C. §103

The Examiner stated that claims 1, 4-9, 11-12, 15, 18-23, 25-26, and 46-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham Spencer (hereinafter Spencer) (U.S. Patent No. 5,577,241) in view of Witkowski et al. (hereinafter Witkowski) (U.S. Patent No. 6,775,662).

Applicants respectfully traverse the Examiner's rejections. As noted above, claims 4, 9, 18, 23, and 47 have been canceled. Applicants respectfully submit that the rejections with respect to these claims are now moot.

Applicants agree with the Examiner that Spencer does not disclose a first subclass, "wherein an instance of the first subclass represents the atomic query element," as recited in amended independent claims 1, 15, and 46. The Examiner has relied on Witkowski to cure the defects of Spencer. However, Witkowski also does not teach or suggest this feature. The Examiner has referred to element 521 of Figure 5, and column 11, lines 2-5 of Witkowski as disclosing this feature. However, element 521 of Figure 5 of Witkowski is merely a leaf node of a predicate tree, and column 11, lines 2-5 of Witkowski merely mentions leaf nodes, and states that each leaf node "corresponds to a predicate in the filtering criteria as denoted in FIG. 5." Nowhere does this section of Witkowski specifically mention an "atomic query element" or how a "first subclass represents the atomic query element." Accordingly, Spencer cannot be combined with Witkowski to provide a first subclass, "wherein an instance of the first subclass represents the atomic query element," when none of these references teach or suggest this feature.

Therefore, claims 1, 15, and 46 are allowable over Spencer in view of Witkowski for at least this reason.

Spencer in view of Witkowski also does not teach or suggest that the "combined query element comprises an iterative query language element," as recited in amended independent claims 1, 15, and 46. In rejecting now cancelled claims 9 and 23, which originally recited this feature, the Examiner referred to column 11, lines 26-27, of Witkowski as disclosing this feature. However, this section of Witkowski merely states that the "qualifying patterns for the parent

nodes are created recursively, beginning with the root node.” While the word “recursively” is used, it is applied to “qualifying patterns,” which is a list that “describes groupings that would be qualified by the expression formed by the operator that corresponds to the leaf node,” (See column 11, lines 17-21, of Witkowski). Such a grouping teaches away from a single “iterative query language element.” Furthermore, it is not obvious how these qualifying patterns and the predicate tree of Witkowski would be combined with the system of Spencer without modifying the design of Spencer.

Therefore, claims 1, 15, and 46 are allowable over Spencer in view of Witkowski for at least this reason.

Spencer in view of Witkowski also does not teach or suggest “wherein the instance of the abstract superclass represents a table reference, wherein the instance of the first subclass represents an unjoined table, and wherein the instance of the second subclass represents a joined table,” as recited in amended independent claims 1, 15, and 46. In rejecting now cancelled claims 4, 18, and 47, the Examiner referred to column 11, lines 38-46, of Witkowski as disclosing that an “instance of the abstract superclass represents a table reference.” However, this section of Witkowski merely refers to a Table T2 that describes a qualifying pattern list. Nowhere does Witkowski specifically teach or suggest that an abstract superclass represents Table T2. The Examiner also referred to element 521 of Figure 5, columns 10-11, lines 60-62 and 2-4, respectively, of Witkowski as disclosing that an “instance of the first subclass represents an unjoined table. However, these sections of Witkowski merely refer to the predicate tree and do not specifically mention an “unjoined table” or that a “first subclass represents an unjoined table.” The Examiner also referred to element 513 of Figure 5, and column 10, lines 34-35, of

Witkowski as disclosing that “the instance of the second subclass represents a joined table.”

However, this section of Witkowski merely shows a description of a query and fails to mention a “joined table” or that “the instance of the second subclass represents a joined table.”

Because Witkowski fails to teach or suggest “wherein the instance of the abstract superclass represents a table reference, wherein the instance of the first subclass represents an unjoined table, and wherein the instance of the second subclass represents a joined table,” as recited in amended independent claims 1, 15, and 46, Spencer in view of Witkowski cannot teach or suggest “indicating a relationship between the first subclass and the second subclass defined by the combined operator,” as recited in amended independent claims 1, 15, and 46. In addressing this feature, the Examiner referred to column 4, lines 58-64, of Spencer and to column 12, lines 32-36, of Witkowski. However, nowhere is a “joined table” or an “unjoined table” mentioned or even suggested in these sections of Spencer or Witkowski. As such, a combination of Spencer and Witkowski cannot specifically teach or suggest “indicating a relationship between the first subclass and the second subclass defined by the combined operator,” as recited in amended independent claims 1, 15, and 46.

Therefore, Spencer in view of Witkowski does not teach or suggest the combination of elements/steps as recited in amended independent claims 1, 15, and 46, and these claims are thus allowable over Spencer over Witkowski.

Dependent claims

Dependent claims 5-8, 11-12, 19-22, 25-26, and 48-50 depend from amended independent claims 1, 15, and 46, respectively. Accordingly, the above-articulated arguments

related to amended independent claims 1, 15, and 46 apply with equal force to claims 5-8, 11-12, 19-22, 25-26, and 48-50, which are thus allowable over the cited references for at least the same reasons as claims 1, 15, and 46.

CONCLUSION

Applicants therefore respectfully request reconsideration, allowance and passage to issue of the claims as now presented. Should any unresolved issues remain, Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted,
SAWYER LAW GROUP LLP

Date: March 30, 2009 _____ /Joseph A. Sawyer, Jr./
Joseph A. Sawyer, Jr.
Attorney for Applicant(s)
Reg. No. 30,801

Customer Number 45728

(650) 493-4540 telephone
(650) 493-4549 fax